

PTO/SB/21 (05-03)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

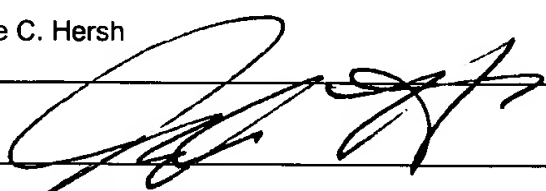
(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/937,687	
	Filing Date	January 8, 2002	
	First Named Inventor	Finbarr Paul Mary O'Harte	
	Art Unit	1654	
	Examiner Name	Jeffrey E. Russel	
Total Number of Pages in This Submission	9	Attorney Docket Number	U0003/7002

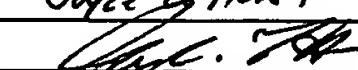
ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Request for Corrected Filing Receipt, Exhibits A-C Postcard		
<table border="1"><tr><td>Remarks</td><td>No fee is believed due with this filing. However, the Commissioner for Patents is hereby authorized to apply any charges or credits in connection with these papers to Deposit Account No. 50-1721. A duplicate of this Transmittal Form is enclosed for accounting purposes.</td></tr></table>			Remarks	No fee is believed due with this filing. However, the Commissioner for Patents is hereby authorized to apply any charges or credits in connection with these papers to Deposit Account No. 50-1721. A duplicate of this Transmittal Form is enclosed for accounting purposes.
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Joyce C. Hersh
Signature	
Date	September 8, 2003

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Joyce C. Hersh		
Signature		Date	September 8, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

102 Rec'd PCT/PTO

10 SEP 2003

Receipt
PCT

Atty. Docket No.: U0003/7002 (formerly 8830-8)

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: O'Harte *et al.*
Serial No.: 09/937,687
Filed: January 8, 2002
Title: PEPTIDE

Examiner: Jeffrey E. Russel
Group Art Unit: 1654
Conf. No.: 5098

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence (and any paper or fee referred to as being enclosed) is being deposited with the United States Post Office as First Class Mail on the date indicated in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Sept. 8, 2003
Date

Signature

Joyce C. Hersh
Typed of Printed Name of Person Signing Certificate

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR CORRECTED FILING RECEIPT
FOR UTILITY APPLICATION**

Sir:

Applicants hereby request that the following items of information be corrected in the Filing Receipt (Exhibit A) and the Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 C.F.R. 1.494 or 1.495 ("Notice"; Exhibit B), which were both mailed from the U.S. Patent and Trademark Office on December 31 2002. Both of these items indicate a filing date of May 9, 2002 for the present application. However, the correct filing date should be January 8 2002. The corrections are indicated in red on both documents.

The present application was filed under 35 U.S.C. § 371 on September 28, 2001. All requirements under 35 U.S.C. § 371(c) were completed on January 8, 2002. This is reflected in the Decision on Petition (Exhibit C), which was mailed from the Office on November 12, 2002. Page 2 of the Decision on Petition clearly states that the date under 35 U.S.C. § 371(c) for this application is January 8, 2002.

Nevertheless, the Filing Receipt and the Notice, both mailed on December 31, 2002, both indicate a filing date of May 9, 2002 as the date of the application under 35 U.S.C. § 371(c). Applicants note that May 9, 2002 is the date upon which Applicants filed a Petition with the Office, and this date is not connected to filing requirements in any way.

The filing date of the present application should be January 8, 2002, as indicated in the Decision on Petition.

Attorney Docket No.: U0003/7002 (formerly 8830-8) (U.S. App. No. 09/937,687)

Filed: January 8, 2002

Inventors: O'Harte *et al.*

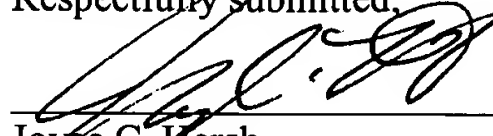
Request For Corrected Filing Receipt

Page 2

Applicants therefore respectfully request correction in the Office records of the date under 35 U.S.C. § 371(c) to January 8, 2002, and issuance of a corrected Notice and corrected Filing Receipt.

The errors and corrections appear below. A copy of the official Filing Receipt is enclosed with the correction(s) highlighted in red.

Respectfully submitted,



Joyce C. Hersh

Reg. No. 42,890

Attorney for Applicant

KIRKPATRICK & LOCKHART, LLP

75 State Street

Boston, MA 02109-1808

Tel: 617-261-3239

Fax: 617-261-3175

Date:

September 8, 2001

EXHIBIT A



UNITED STATES
PATENT AND
TRADEMARK OFFICE



U0003.7002

Commissioner for Patents
Washington, DC 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/937,687	05/09/2002 01/08/2002	1646	630	8830-8	32	12	3

CONFIRMATION NO. 5098

Drinker Biddle & Reath
One Logan Square
18th & Cherry Streets
Philadelphia, PA 19103-6996

FILING RECEIPT



OC000000009309277

Date Mailed: 12/31/2002

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Finbarr Paul Mary O'Harte, Ballymoney, GBN, UNITED KINGDOM;
Peter Raymond Flatt, Portrush, GBN, UNITED KINGDOM;

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/GB00/01089 03/29/2000

Foreign Applications

UNITED KINGDOM 9907216.7 03/29/1999
UNITED KINGDOM 9917565.5 07/27/1999

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

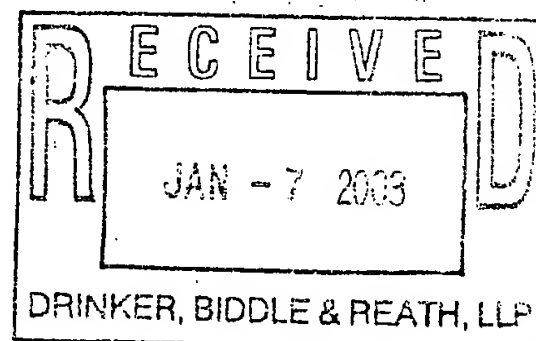
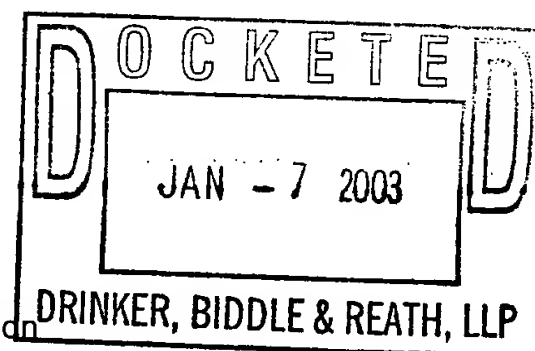
** SMALL ENTITY **

Title

Peptide

NO DOCKETING REQUIRED

Info: Filing Receipt



Preliminary Class

514

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
 United States Patent and Trademark Office
 Washington, D.C. 20231
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/937,687	Finbarr Paul Mary O'Harte	8830-8

INTERNATIONAL APPLICATION NO.
PCT/GB00/01089

Drinker Biddle & Reath
 One Logan Square
 18th & Cherry Streets
 Philadelphia, PA 19103-6996

I.A. FILING DATE	PRIORITY DATE
03/29/2000	03/29/1999

CONFIRMATION NO. 5098
 371 ACCEPTANCE LETTER



OC00000009309278

Date Mailed: 12/31/2002

NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.494 OR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as an Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

01/08/200201/08/200205/09/200205/09/2002

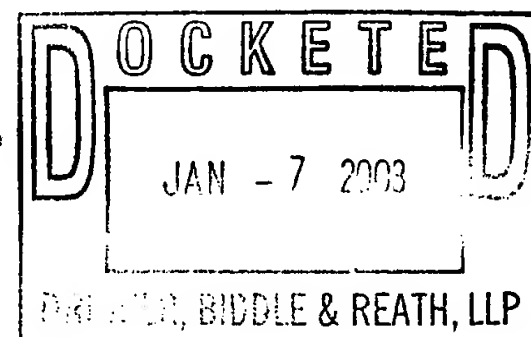
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and
 (c)(4) REQUIREMENTS

DATE OF RECEIPT OF ALL 35 U.S.C.
 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- U.S. Basic National Fee
- Indication of Small Entity Status
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Oath or Declaration



- Preliminary Amendments
- Request for Immediate Examination
- Small Entity Statement

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

BARBARA A CAMPBELL

Telephone: (703) 305-3631

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/903 (371 Acceptance Notice)

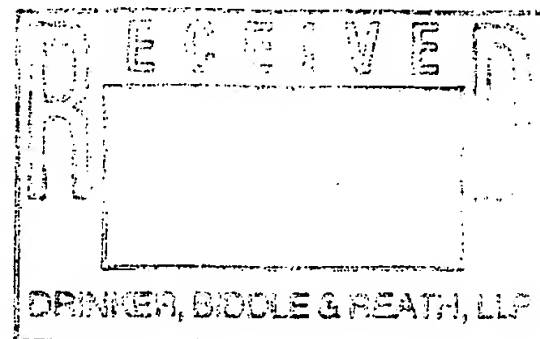
12 NOV 2002



UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Daniel A. Monaco
Drinker, Biddle & Reath, LLP
One Logan Square
18th and Cherry Streets
Philadelphia, PA 19103-6996



In re Application of
O'HARTE, et al.
Application No.: 09/937,687
PCT No.: PCT/GB00/01089
Int. Filing Date: 29 March 2000
Priority Date: 29 March 1999
Attorney Docket No.: 8830-8
For: PEPTIDE

DECISION ON PETITION

UNDER 37 CFR 1.181

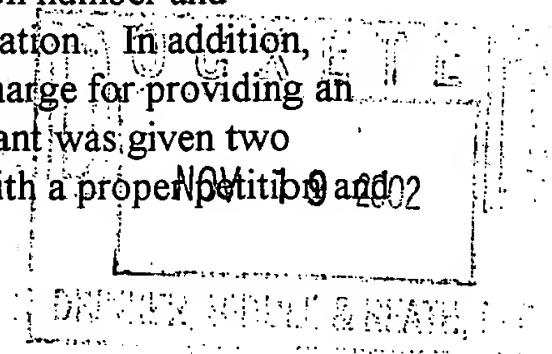
This decision is in response to applicant's petition filed in the United States Patent and Trademark Office (USPTO) on 09 May 2002.

BACKGROUND

On 29 March 2000, applicant filed international application PCT/GB00/01089, which claimed priority of an earlier application filed 29 March 1999. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 05 October 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 29 September 2001.

On 28 September 2001, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the International Search Report; a First Preliminary Amendment and an unexecuted combined declaration and power of attorney.

On 13 November 2001, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) and a NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION (Form PCT/DO/EO/917) informing applicant of the need to provide a signed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date as well as a sequence listing for the present application. In addition, applicant was advised of the need to provide payment of the \$65.00 surcharge for providing an oath or declaration later than thirty months from the priority date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition.



payment of fees.

On 09 May 2002, in response to information provided by the PCT Help Desk, applicant filed the present petition accompanied by an executed combined declaration and power of attorney, a sequence listing disk, a copy of a transmittal letter dated 08 January 2002 and a return postcard receipt with a 08 January 2002 USPTO date stamp which lists the attorney docket number, title and applicant and identifies the items to be filed as including "Response to Notification of Missing Requirements; Declaration and Power of Attorney; Sequence Listing Disk With Amendment and Statement (37 CFR 1.821 (f)(g)) and Check No. 51161 (\$65.00)."

DISCUSSION

A review of the application file reveals that the NOTIFICATION OF MISSING REQUIREMENTS was mailed by the USPTO on 13 November 2001, addressed to the mailing address provided in the international application (no new correspondence address was provided in the transmittal letter for entry into the national stage in the United States submitted 28 September 2001). It is noted that the transmittal letter purportedly filed 08 January 2002 identified the application as "09/937,786." A search of that file did not reveal the filed papers therein. However, the evidence filed with the petition, namely the date stamped postcard receipt and information contained therein is convincing that a response including a combined declaration and power of attorney was filed on 08 January 2002. Thus, it is appropriate to withdraw the holding of abandonment.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is **GRANTED**.

The application has an international filing date of **29 March 2000** under 35 U.S.C. 363 and a date of **08 January 2002** under 35 U.S.C. 371(c).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision, that is, for mailing of a filing receipt and a NOTIFICATION OF ACCEPTANCE OF APPLICATION (Form PCT/DO/EO/903) which identifies a date of **08 January 2002** under 35 U.S.C. 371(c).



Leonard E. Smith
Legal Examiner
PCT Legal Office



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